

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

RICHARD E. BUSSELL
Claimant

VS.

A. REICH & SONS INC.
Respondent

AND

INSURANCE COMPANY OF NORTH AMERICA
Insurance Carrier

AND

KANSAS WORKERS COMPENSATION FUND

Docket No. 154,448

AWARD NUNC PRO TUNC

Subsequent to the issuance of the Award in the above matter by the Appeals Board it was brought to the Board's attention that a stipulated payment of 35 weeks temporary total disability compensation at the rate of \$200.01 per week in the sum of \$7,000.35 was inadvertently left off of the Award of the Appeals Board. This Award Nunc Pro Tunc will rectify the clerical error. The Award issued by the Workers Compensation Appeals Board on November 28, 1995, shall be modified to read as follows:

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award of Special Administrative Law Judge William F. Morrissey dated June 28, 1995, shall be, and is modified, and claimant is granted an award against the respondent, its insurance carrier and the Kansas Workers Compensation Fund for an 18.75% permanent partial general body disability as a result of the injury he suffered to his back on August 24, 1990.

AN AWARD OF COMPENSATION IS HEREBY MADE IN ACCORDANCE WITH THE ABOVE FINDING IN FAVOR of the claimant, Richard E. Bussell, and against the respondent, A. Reich & Sons, Inc., and its insurance carrier, Insurance Company of North America, and the Kansas Workers Compensation Fund, for an accidental injury which occurred August 24, 1990, and based upon an average weekly wage of \$353.83 for 35 weeks temporary total disability compensation at the rate of \$235.90 totalling \$8,256.50, followed thereafter by 380 weeks compensation at the rate of \$44.23 per week, in the amount of \$16,807.40, for an 18.75% permanent partial general body impairment of function, making a total award of \$25,063.90.

As of November 9, 1995, claimant is entitled to 35 weeks temporary total disability compensation at the rate of \$235.90 per week in the amount of \$8,256.50, followed thereafter by 236.86 weeks of permanent partial general body disability compensation at the rate of \$44.23 per week in the amount of \$10,476.32, for a total due and owing of \$18,732.82 minus amounts previously paid, followed thereafter by 143.14 weeks permanent partial general body disability at the rate of \$44.23 in the amount of \$6,331.08 until fully paid or further order of the Director.

In all other regards the Award of the Workers Compensation Appeals Board of November 28, 1995, remains in full force and effect.

IT IS SO ORDERED.

Dated this ____ day of February 1996.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: James Yates, Merriam, Kansas
Timothy G. Lutz, Overland Park, Kansas
Jeff K. Cooper, Topeka, Kansas
William F. Morrissey, Special Administrative Law Judge
Philip S. Harness, Director